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NORTHERN DISTRICT OF CALIFORNIA

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~~RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA~~

1 KEVIN BURTON
2 CDCR #C-38062
3 R. J. DONOVAN STATE PRISON
4 P.O. Box 799007
5 SAN DIEGO, CA 92179

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9

10 KEVIN BURTON
11 PLAINTIFF
12 v.

CASE NO: C07-4967 PJH
(PR)

13 CALIFORNIA DEPARTMENT OF
14 CORRECTIONS, et al.,
15 DEFENDANTS
16

PLAINTIFF'S FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS
"Amended"

17
18
19 PURSUANT TO RULE 34 OF THE FEDERAL RULES OF CIVIL
20 PROCEDURES, PLAINTIFF REQUESTS THAT DEFENDANT, MIKE
21 EVANS, PRODUCE FOR INSPECTION AND COPYING, THE
22 DOCUMENTS AND TANGIBLE THINGS IDENTIFIED BELOW
23 WITHIN THIRTY (30) CALENDAR DAYS OF THE SERVICE
24 OF THIS DOCUMENT REQUEST.
25

26
27 1. ANY AND ALL S.V.S.P. ADMINISTRATION SEGREGATION
28 FACILITY D- BUILDING EIGHT (8) RECORDS OF PLAINTIFF

1 KEVIN BURTON #C-38062. FROM JANUARY 11,
2 2005, through and Including the date of
3 your response to this request.
4

5 2. Any and all policies, procedures, regulations,
6 INSTRUCTIONS, notes, memoranda, Internal COMM-
7 UNICATIONS and directives in effect from January
8 11, 2005, through and Including the Date of
9 your response to this request concerning Plain-
10 tiff BURTON Confinement in Administration
11 Segregation Unit at S.V.S.P. at Soledad California.
12
13

14 3. Any Notes, documents, Medical Records, memoranda,
15 files, records, record books, Log books, grievance
16 reports or written COMMUNICATIONS concerning
17 Complaints made against S.V.S.P. Not limited to
18 Defendant, MIKE EVANS, giving rise to this Incident.
19
20

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22 4. Plaintiff BURTON, also request Defendant Mike
23 EVANS, to produce for inspection, any documents,
24 Photos, recorded, electronic, or graphic material
25 however produced, or reproduced of "holding
26 cage," Located at S.V.S.P. in Administration
27 Segregation unit. Specifically: facility D-
28

1 Building Eight (8) "A-section", Specifically:
2 the holding cage in A-section, that Plaintiff
3 was confined in from the dates of: January 11,
4 2005. till January 18, 2005.
5
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10 Dated: August 30, 2008.
11

12
13 By: Kevin Burton
14

15 KEVIN BURTON

16 #C-38062

17 R. J. D. PRISON
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19 SAN DIEGO, CA 92179
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EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE

455 GOLDEN GATE AVENUE, SUITE 11000
SAN FRANCISCO, CA 94102-7004

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Facsimile: (415) 703-5843
E-Mail: Scott.Feudale@doj.ca.gov

August 20, 2008

Kevin Burton (CDCR # C-38062)
Richard J. Donovan Correctional Facility
Facility F-2-8-124L
P.O. Box 799002
San Diego, CA 92179-9002

RE: **KEVIN BURTON v. CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.**
United States District Court, Northern District of California, Case No. C 07-4967 PJH

Dear Mr. Burton:

Defendants received your interrogatories and requests for production dated August 5, 2008. Your interrogatories are being returned to you as they cannot be responded to as currently phrased. Federal Rule of Civil Procedure 33(a) & (b) requires that interrogatories be served on a party, and that the party to whom they are directed serve answers under oath and verify his or her answers with a signature. Your interrogatories are directed generally to "Defendants." Without specifying to whom these interrogatories are directed, our office cannot determine by which Defendant these interrogatories must be answered. Accordingly, please re-draft your interrogatories and direct them to the appropriate party as required under Rule 33. Upon receipt of your amended interrogatories, the appropriate party will respond within the time allowed under Rule 33. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott J. Feudale", written over a horizontal line.

SCOTT J. FEUDALE
Deputy Attorney General

For **EDMUND G. BROWN JR.**
Attorney General

Enclosure

VERIFICATION

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

(C.C.P. SEC. 446 & 2015.5; 28 U.S.C. SEC. 1746)

I, KEVIN BURTON DECLARE UNDER THE PENALTY OF PERJURY
THAT: I AM THE Declarant/Prisoner IN THE ABOVE ENTITLED ACTION;
I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS
TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND
BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 30th DAY OF August, AT R.J.D.
STATE PRISON, 480 Alta Road, San Diego, CA 92179

(SIGNATURE) Kevin Burton
(DECLARANT/PRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC. 1013 (a) & 2015.5; 28 U.S.C. SEC. 1746)

I, Lennie Thomas, AM A RESIDENT OF R.J.D. STATE PRISON, IN THE COUNTY
OF S.D. STATE OF CALIFORNIA; I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM/AM
NOT A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. Box 749002
R.J. DONOVAN STATE PRISON SAN DIEGO, CA 92179

ON Sept 1, 2008, I SERVED THE FOREGOING:

Plaintiff's First Request for Production of Documents
"Amended"

(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)

ON THE PARTY(S) HEREIN BY PLACING A TRUE COPY(S) THEREOF, ENCLOSED IN A SEALED ENVELOPE
(S), WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO
PROVIDED AT Richard J. Donovan Correctional Facility

Addressed To Each Addressee as follows:

STATE OF CALIFORNIA
Office of the ATTORNEY General
Department of Justice
455 Golden Gate Ave, Suite 11000
SAN FRANCISCO, CA 94102-3664

U.S. District Court
Northern District of California
Office of the Clerk
450 Golden Gate Ave.
SAN FRANCISCO, CA 94102

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS
REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO
ADDRESSED. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: August 30 2008 Kevin Burton
(DECLARANT/PRISONER)

KEVIN BURTON C-38062
R.J. DONOVAN PRISON # 1291
P.O. Box 799009
San Diego, CA 92179

Confidential
Legal Mail

STATE PRISON



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Northern District of California
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450 Golden Gate Ave
SAN FRANCISCO, CA 94102

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